



Superior Court of the State of California County of Kings

Custody and Support Packet Purchase Price: \$ 20.00

THERE WILL BE ABSOLUTELY NO REFUNDS OR EXCHANGES ON THE PURCHASE OF SUPERIOR COURT FORMS OR PACKETS

A ***Petition for Custody and Support of Minor Children*** action will not terminate a marriage or establish a parental relationship. This type of case lets the court make child support orders and other orders. You cannot ask for spousal or partner support.

You can file this type of petition if the following any of the following applies to you:

1. the petitioner is married to the respondent, and **no** action is pending in any court for dissolution, legal separation, or nullity.
2. the petitioner and respondent have signed a Voluntary Declaration of Paternity, **and** no action regarding the children has been filed in any other court.
3. the petitioner and respondent are **not** married **and** have legally adopted a child together.
4. the petitioner and respondent have been determined to be the parents in a juvenile or government child support case

Custody & Visitation Overview

Parents who separate must decide which parent their children will live with. They also must decide how they'll share their parenting responsibilities. Sometimes parents can't agree, so the judge has to make the decisions. Many parents can agree and can make a custody/visitation agreement that they give to the court. This agreement is also sometimes called a "stipulation for custody/visitation," a "parenting plan," or a "time-share plan."

The judge makes the final decision, but usually will approve an arrangement that both parents agree to.

If you can't agree on custody, a judge will have to make the decision. You'll probably have to meet with a Child Custody Recommending Counselor before the judge will make a custody order.

There is a filing fee of \$ 435.00*

** You may apply for this fee to be waived, if you are eligible.
Ask the clerk for a fee waiver packet.*

Alert

- Filing the Summons and Petition with the court will give the court jurisdiction to make orders in your case but it is only the beginning.
- Once an action is filed with the court the respondent must be personally served with specific paperwork by someone other than you over the age of 18.
- If the Respondent fails to file the necessary responding paperwork within thirty (30) days of service you, as the petitioner, may request to enter default on the respondent. Once the default is entered you can complete the proceeding without the participation of the Respondent.

? Can I go to court for custody, visitation, support and/or property control issues, before my case is final?

- Yes, if you do not want to wait until your judgment is final to establish such orders, you may want to consider completing a Request for Order and file it with your Summons and Petition. You may purchase this packet separately from the clerk. The **Request for Order** forms can be served on the the respondent at the same time. Please be aware there is a separate filing fee for a Request for Order of \$60.00.
- The **Request for Order** can order temporary orders regarding child custody, visitation, support, and property issues. A hearing date will be set (approximately 35-45 days out). Formal orders will be made at the hearing.



Online assistance:

www.courtinfo.ca.gov
State of California
Self-help website

www.leginfo.ca.gov
Official California Legislative Information
website

Step 1

To begin your case you must complete the following forms

Form name and number:	Last revised on:
1. <input type="checkbox"/> Petition for Custody and Support of Minor Children (FL 260)	01-01-04
<i>If #5c.(1) is marked on the Petition, complete the following form and staple it to the Petition:</i>	
a. <input type="checkbox"/> Child Custody and Visitation Application Attachment (FL 311)	07-01-05
<i>If applicable, also complete and attach these forms to the Petition:</i>	
b. <input type="checkbox"/> Request for Child Abduction Prevention Orders (FL 312)	07-01-03
c. <input type="checkbox"/> Children's Holiday Schedule Attachment (FL 341(C))	01-01-05
d. <input type="checkbox"/> Additional Provisions-Physical Custody Attachment (FL 341(D))	01-01-05
e. <input type="checkbox"/> Joint Legal Custody Attachment (FL 341(E))	01-01-05
2. <input type="checkbox"/> Summons (FL 210)	01-01-15
<i>The next form is completed and used to calculate support and ask for cost reimbursements:</i>	
3. <input type="checkbox"/> Income and Expense Declaration (FL 150)	01-01-07
<ul style="list-style-type: none"> • Copy and attach (staple) your paystubs on an 8 ½" x 11" sheet and staple behind page 4. • Utilize the 2nd copy of this form provided in this packet to serve on respondent. 	
4. <input type="checkbox"/> Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) (FL 105)	01-01-09
<ul style="list-style-type: none"> • Utilize the 2nd copy of this form (provided in this packet) to serve to the respondent. 	
a. <input type="checkbox"/> Attachment to Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) (FL 105(A))	01-01-09
<ul style="list-style-type: none"> • This form is only used when you have more than two children with the respondent. • Utilize the 2nd copy of this form (provided in this packet) to serve to the respondent. 	

Step 2

Have your forms reviewed

You may seek the assistance of the court's family law facilitator or self-help center to review your paperwork. They can make sure you filled it out properly before you move ahead with your case.

You can also hire your own lawyer to review your papers or to get legal advice.

Step 3

Copy and assemble your forms for filing

You must make copies and assemble your documents prior to submitting them to the Clerk's Office.

How many copies do you make?

- ✓ make one copy for yourself
- ✓ make one copy for the respondent

If a form has writing on both sides:

- ✓ use two separate pages to copy the 2-sided form **or**
- ✓ copy the 2-sided form (as presented in the packet provided by the court)
- ✓ all 2-sided copies must be "tumbled" or they will be rejected

How do I assemble and hole punch my forms?

- ✓ Each *form*, to be filed, that has multiple pages and/or attachments must be *stapled*.
- ✓ Each original form must be two-hole punched at the top.

Step 4
File your paperwork with the court

Where can I file my paperwork?

- ❖ **AVENAL**-501 E. Kings Street, Avenal, CA 93204 (559) 386-5225
- ❖ **CORCORAN**- 1000 Chittenden Avenue, Corcoran, CA 93212 (559) 992-5193
- ❖ **HANFORD**- 1426 South Drive, Hanford, CA 93230 (559) 582-1010

Hours of Operation:
Except for Court Holidays
Monday – Thursday – 8:00am to 4:00pm
Friday – 8:00am to 11:30am

Step 5
Have the respondent served

Your papers are to be “personally” served to the respondent. That means that someone – **not you** – must personally give a copy of the forms you filed as well as blank copies of the forms listed below to the respondent.

Who can serve the documents?

- The server must be 18 or older and not be involved in your case.
- The sheriff’s office of the county where the respondent resides.
- A process server. A list can be retrieved at the clerk’s office.

Which forms are served to the respondent?

The respondent is to receive a copy of each form you filed with the court* as well as the forms mentioned below (as they apply). Please note these forms are served **blank** to the respondent. However, you may place your case number on each form.

* If you filed a Request for Waiver of Court Costs and an Order on Waiver of Court Costs, these are excluded in your service packet to the respondent.

Form name and number:	Last revised on:
1. <input type="checkbox"/> Response to Petition for Custody and Support of Minor Children (FL 270)	01-01-04
2. <input type="checkbox"/> Income and Expense Declaration (FL 150)	01-01-07
3. <input type="checkbox"/> Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) (FL 105)	01-01-09
a. <input type="checkbox"/> Attachment to Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) (FL 105(A))	01-01-09
<ul style="list-style-type: none"> • This form is only served when you have more than two children with the respondent. 	

What if the respondent can not be personally served?

- a. For other ways service can be performed please refer to the Code of Civil Procedure 417.10 at the web site at www.leginfo.ca.gov.
- b. Research the web site at <http://www.courts.ca.gov> for assistance.
- c. Talk to the family law facilitator or the Self-Help Center.
- d. Seek the advice of a lawyer.

Is there an alternative method of service?

Yes, there is an alternative method of service. If you and the respondent are cooperating with the case, and the respondent agrees to accept service by mail, this is the easiest and least expensive way to serve the papers. The following form shows the court that the respondent has received and accepted the forms. The respondent must **sign and date** the following named form and return it to you. If for any reason the respondent does not sign, date, and return this form to you, you must find an alternative way of serving your documents.

Utilize this form for this method:

Form name and number:	Last revised on:
1. <input type="checkbox"/> Notice and Acknowledgment of Receipt (Family Law) (FL 117)	01-01-15

Who can mail these documents to the respondent and how is this service performed?

The server must be 18 or older and not be involved in your case.

- a) Your server will complete the the date of mailing, print and sign his/her name on the form.
- b) The sender must check the boxes as to each document he/she is mailing to the respondent.
- c) Your server will then mail a copy of each form mentioned in Step 2 and 4 along with two (2) copies of the [Notice and Acknowledgment of Receipt – Family Law \(FL 117\)](#), and a postage paid return envelope that is addressed to you.
- d) If the respondent chooses to sign this form, he/she is to return the original form to you.
- e) You will then file the original [Notice and Acknowledgment of Receipt – Family Law \(FL 117\)](#) with the court, along with a completed [Proof of Service of Summons \(FL 115\)](#), which your server also complete.

Step 6
After service is performed, file the proof of service with the court.

Form name and number:	Last revised on:
1. <input type="checkbox"/> Proof of Service of Summons (Family Law) (FL 115)	01-01-15

Step 7

Finish your case and obtain a final judgment:

The forms you are to complete to finish your case depend on:

- (1) Whether or not the respondent filed a *Response to your Petition*,
- (2) Whether or not you and the respondent have a written agreement.

In order to determine which forms are required to finish your case, you must first determine which type of case you have. There are three scenarios listed in this packet to assist you with how to proceed with your case:

SCENARIO #1

No response has been filed.

SCENARIO #2

A Response has been filed and **NO agreement** has been made.

Where can I obtain further assistance?

1. Research on the web site at <http://www.courts.ca.gov>.
2. Seek the advice of the family law facilitator.
3. Seek the advice of a lawyer.

SCENARIO #1

No response has been filed.

If the Respondent fails to file a Response within thirty (30) days of being personally served, you can obtain a judgment without the participation of the respondent. **If the respondent is currently in the military, special rules apply.** Seek the advice of a lawyer.

When may I file my default paperwork?

1. If the respondent was personally served: You may request an entry of default 31 days after the respondent was served.
2. Verify that you have filed the following forms, as proof the respondent has been served, either:
 - a. a completed [Proof of Service of Summons \(Family Law\) \(FL 115\)](#)
 - b. a completed [Notice and Acknowledgment of Receipt – Family Law \(FL 117\)](#) (if applicable)

To finish your case, the following forms must be completed:

Form name and number:	Last revised on:
1. <input type="checkbox"/> Request to Enter Default (FL 165) <ul style="list-style-type: none">• Deliver to the court clerk the original and <u>2 copies</u> of this form.• Provide one envelope addressed to the respondent with first-class postage.	01-01-05

Also complete the following forms:

2. [Applicable Judgment forms \[See last page of this coversheet\]](#)
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SCENARIO #2

A Response has been filed and NO agreement has been made.

The following two forms are local forms and are not included in this packet. You may retrieve them at clerks office (upon specific request).

The following form is a check-list to prepare you for the trial:

Form name and number:	Last revised on:
1. <input type="checkbox"/> At-Issue Memorandum Check-list (family law) (local form) <ul style="list-style-type: none">This form assists you with the forms that must be on file with the court before a Settlement Conference date will be scheduled.	06-23-08

To obtain a Settlement Conference date, the following form must be completed:

2. <input type="checkbox"/> At-Issue Memorandum-Family Law (local form) <ul style="list-style-type: none">This form may be filed by either the Petitioner or the Respondent.This form is completed, mailed to the party not filing the At-Issue Memorandum (the respondent). Service is performed by someone over the age of 18 not a party to the case. Once service is completed the server must complete the proof of service on page two. The original form is submitted to the court for filing.Once submitted, you will receive notification by mail of a hearing date.	06-24-08
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Judgment forms

Included with this packet are the following forms which may or may not be applicable to you in order to obtain your Judgment. However, please note; not all forms that may be necessary to obtain a Judgment in your particular situation are provided with this packet. If you should require additional forms you may purchase them from the Clerk's Office or obtain them at no charge at www.courts.ca.gov

Form name and number:	Last revised on:
1. <input type="checkbox"/> Declaration for Default or Uncontested Judgment (FL 230)	01-01-03

- This form asks the judge to make orders in the case without a court hearing. This form tells the court what you would say if you went court.
- Check the appropriate boxes on this form. This depends on whether or not the respondent has responded to the case.
- Deliver to the court the original and two (2) copies of this form.

It may take several weeks before you get the judgment in the mail. It will take even longer if the court rejects your request because you did not fill out the forms correctly, or if the court decides you must have a court hearing.

2. <input type="checkbox"/> Judgment (FL 250)	01-01-04
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- Deliver to the court the original and three (3) copies of this form, along with any necessary attachments.
- If you and the respondent have made an agreement on all issues, attach a stipulated agreement to this form. For help with preparing a stipulated agreement talk to a lawyer, the family law facilitator or research this at <http://www.courts.ca.gov>.

If applicable, the following forms are also completed and attached to the Judgment (FL 250):

a. <input type="checkbox"/> Stipulation and Order for Custody and/or Visitation of Children (FL 355)	01-01-04
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- This form is signed by both parties.
- This form is used instead of [Child Custody and Visitation Order Attachment \(FL 341\)](#)
- If a Default has been entered as to the respondent, this Order must be notarized.

b. <input type="checkbox"/> Stipulation to Establish or Modify Child Support and Order (FL 350)	07-01-10
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- This form is signed by both parties.
- This form is used instead of [Child Support Information and Order Attachment \(FL 342\)](#)
- If a Default has been entered as to the respondent, this Order must be notarized.

c. <input type="checkbox"/> Child Custody and Visitation Order Attachment (FL 341)	07-01-12
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d. <input type="checkbox"/> Child Support Information and Order Attachment (FL 342)	07-01-12
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e. <input type="checkbox"/> Notice of Rights and Responsibilities (FL 192)	01-01-15
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f. <input type="checkbox"/> Advisement and Waiver of Rights (FL235)	01-01-03
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- Two forms are included in this packet. One copy provided for each party to sign (as applicable).

3. <input type="checkbox"/> Notice of Entry Judgment (FL 190)	01-01-15
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Deliver to the court the original and two (2) copies of this form along with:

1. one large **stamped** envelope addressed to you. Preferably an 8 ½" x 11" envelope. There must be enough postage on the envelope to mail the judgment to you.
2. one large **stamped** envelope addressed to the respondent or respondent's attorney (if applicable). Preferably an 8 ½" x 11" envelope. There must be enough postage on the envelope to mail the judgment.

If your Judgment includes Child Support, also complete the following forms:

4. <input type="checkbox"/> Child Support Case Registry Form (FL 191)	07-01-05
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- This form registers the case in a national registry to help with enforcement. You must deliver it to the court at the same time you submit your judgment.

5. <input type="checkbox"/> Order/Notice to Withhold Income for Child Support (FL 195)	01-01-15
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- This form orders the paying parent's employer to withhold child support from that parent's paycheck. After the judicial officer signs this form, you must mail it to the respondent's employer.
- Instructions on how to complete this form are found on [Income for Withholding for Support- Instructions, FL196](#).
- Deliver to the court the original and two (2) copies of this form.